

INTERNATIONAL SEARCH REPORT

International application No.

PCT/AU2004/001309

A. CLASSIFICATION OF SUBJECT MATTER

Int. Cl. ⁷: A61M 16/06

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practicable, search terms used)

DWPI IPC A61M, A62B and Keywords (respiration, ventilation, breathing, CPAP, OSA, mask, integrated, mounting, combination, unitary, embedded, incorporated, attached, person, mobile, portable, wearable, worn, compressor, blower, generator, pump, motor, fan, impeller, tube, tubing, hose, hosing, conduit, length, distance, separation, reduce, shorten, minimise) and like terms

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
P, X	DE 10261602 A1 (YAMAMOTO KOGAKU CO LTD) 8 July 2004 whole document	1-13, 27, 28
X	US 2003/0172930 A1 (KULLIK et al) 18 September 2003 whole document	1-13, 27-31
X	US 6435184 B1 (HO) 20 August 2002 whole document	1-13



Further documents are listed in the continuation of Box C



See patent family annex

* Special categories of cited documents:	
"A" document defining the general state of the art which is not considered to be of particular relevance	"T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention
"E" earlier application or patent but published on or after the international filing date	"X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone
"L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)	"Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art
"O" document referring to an oral disclosure, use, exhibition or other means	"&" document member of the same patent family
"P" document published prior to the international filing date but later than the priority date claimed	

Date of the actual completion of the international search
13 October 2004

Date of mailing of the international search report

22 OCT 2004

Name and mailing address of the ISA/AU

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C (Continuation). DOCUMENTS CONSIDERED TO BE RELEVANT		
Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	US 5372130 A (STERN et al) 13 December 1994 whole document	1-13
X	US 5303701 A (HEINS et al) 19 April 1994 whole document	1-13, 29-30
X	GB 2215216 A (SABRE SAFETY LTD) 20 September 1989 whole document	1-13, 29, 30
X	EP 0164946 A2 (RACAL SAFETY LTD) 18 December 1985 whole document	1-13, 27-31
X	US 2002/0029777 A1 (ZIMPRICH et al) 14 March 2002 whole document	14-22, 26
X	EP 0528733 B1 (INTERTECHNIQUE) 11 September 1996 whole document	14-25, 29-31
X	US 4590951 A (O'CONNER) 27 May 1986 whole document	14-26
X	EP 0066451 B1 (RACAL SAFETY LTD) 21 August 1985 whole document	14-26
X	US 4297999 A (KITRELL) 3 November 1981 whole document	14-22
X	US 4233972 A (HAUFF et al) 18 November 1980 whole document	14-26

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Box No. II Observations where certain claims were found unsearchable (Continuation of item 2 of first sheet)

This international search report has not been established in respect of certain claims under Article 17(2)(a) for the following reasons:

1. ☐ Claims Nos.:
because they relate to subject matter not required to be searched by this Authority, namely:
2. ☐ Claims Nos.:
because they relate to parts of the international application that do not comply with the prescribed requirements to such an extent that no meaningful international search can be carried out, specifically:
3. ☐ Claims Nos.:
because they are dependent claims and are not drafted in accordance with the second and third sentences of Rule 6.4(a)

Box No. III Observations where unity of invention is lacking (Continuation of item 3 of first sheet)

This International Searching Authority found multiple inventions in this international application, as follows:
See extra sheet.

1. ☐ As all required additional search fees were timely paid by the applicant, this international search report covers all searchable claims.
2. ☒ As all searchable claims could be searched without effort justifying an additional fee, this Authority did not invite payment of any additional fee.
3. ☐ As only some of the required additional search fees were timely paid by the applicant, this international search report covers only those claims for which fees were paid, specifically claims Nos.:
4. ☐ No required additional search fees were timely paid by the applicant. Consequently, this international search report is restricted to the invention first mentioned in the claims; it is covered by claims Nos.:

Remark on Protest

- ☐ The additional search fees were accompanied by the applicant's protest.
☐ No protest accompanied the payment of additional search fees.

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Supplemental Box

(To be used when the space in any of Boxes I to VIII is not sufficient)

Continuation of Box No: III

The international application does not comply with the requirements of unity of invention because it does not relate to one invention or to a group of inventions so linked as to form a single general inventive concept. In coming to this conclusion the International Searching Authority has found that there are different inventions as follows:

1. Claims 1-13 relate to a ventilator system comprising a mask having a shell, a cushion, an inlet port in said shell to receive a flow of breathable gas, and an air flow generator mounted on said mask. It is considered that the air flow generator mounted on said mask comprises a first "special technical feature".
2. Claims 14-26 relate to a ventilator system comprising a mask having a shell, a cushion, an inlet port in said shell to receive a flow of breathable gas, an air flow generator, and an air delivery tube not exceeding 1.5 meters in length connected to said inlet port. It is considered that the air delivery tube not exceeding 1.5 meters comprises a second special technical feature.

Since the abovementioned groups of claims do not share any of the technical features identified, a "technical relationship" between the inventions, as defined in PCT rule 13.2 does not exist. Accordingly the international application does not relate to one invention or to a single inventive concept, a priori.

However, since the separate groups of inventions share the same classification under the IPC it is considered they could be searched together without additional effort so as to justify the requirement of payment of an additional fee.

Furthermore, although claims 27-31 are dependant of both groups of claims, the second invention is made unclear when claims 27 and 28 are appended to the second group of claims. As such, claims 27 and 28 will only be considered with the first group of claims.

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INTERNATIONAL SEARCH REPORT

Information on patent family members

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This Annex lists the known "A" publication level patent family members relating to the patent documents cited in the above-mentioned international search report. The Australian Patent Office is in no way liable for these particulars which are merely given for the purpose of information.

Patent Document Cited in Search Report		Patent Family Member			
DE	10261602				
US	2003172930	DE	10210878	FR	2837108
US	6435184				
US	5372130	CA	2090741	EP	0558147
US	5303701	DE	4133235	EP	0536546
GB	2215216				
EP	0164946	AU	42753/85	DK	245185
		JP	61002878	FI	852272
US	2002029777				
EP	0528733	CA	2076408	FR	2680467
US	4590951	AU	29143/84	CA	1218579
		ES	8504469	FI	842275
		HK	8687	JP	60068869
		ZA	8404268	MY	18987
EP	0066451	AU	84215/82	GB	2099709
		US	4430995	ZA	8203655
US	4297999				
US	4233972				
Due to data integration issues this family listing may not include 10 digit Australian applications filed since May 2001.					
END OF ANNEX					

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